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7

8 **BEFORE THE ARIZONA MEDICAL BOARD**

9 In the Matter of:

10 **JERI B. HASSMAN, M.D.**

11 Holder of License No. 16132
12 For the Practice of Allopathic Medicine
In the State of Arizona,

13 Respondent.
14

Board Case No. MD-01-0608

**CONSENT AGREEMENT FOR
DECREE OF CENSURE
AND PROBATION**

15 **RECITALS**

16 In the interest of a prompt and judicious settlement of this case, consistent with the
17 public interest, statutory requirements and responsibilities of the Arizona Medical Board
18 ("Arizona Board"), and pursuant to A.R.S. §§ 32-1401 *et seq.* and 41-1092.07(F)(5), the
19 undersigned party, Jeri B. Hassman, M.D. ("Respondent"), holder of License No. 16132 to
20 practice allopathic medicine in the State of Arizona, and the Board enter into the following
21 Recitals, Findings of Fact, Conclusions of Law and Order ("Consent Agreement") as the
22 final disposition of this matter.

23 1. Respondent has read and understands this Consent Agreement as set forth
24 herein, and has had the opportunity to discuss this Consent Agreement with an attorney or
25 has waived the opportunity to discuss this Consent Agreement with an attorney. Respondent
26 voluntarily enters into this Consent Agreement for the purpose of avoiding the expense and

1 uncertainty of an administrative hearing.

2 2. Respondent understands that she has a right to a public administrative hearing
3 concerning each and every allegation set forth in the above-captioned matter, at which
4 administrative hearing she could present evidence and cross-examine witnesses. By entering
5 into this Consent Agreement, Respondent freely and voluntarily relinquishes all rights to
6 such an administrative hearing, as well as all rights of rehearing, review, reconsideration,
7 appeal, judicial review or any other administrative and/or judicial action, concerning the
8 matters set forth herein. Respondent affirmatively agrees that this Consent Agreement shall
9 be irrevocable.

10 3. Respondent agrees that the Board may adopt this Consent Agreement, or any
11 part thereof, pursuant to A.R.S. §§ 32-1401 *et seq.* and 41-1092.07(F)(5). Respondent
12 understands that this Consent Agreement, or any part thereof, may be considered in any
13 future disciplinary action against her.

14 4. Respondent understands that this Consent Agreement does not constitute a
15 dismissal or resolution of other matters currently pending before the Board, if any, and does
16 not constitute any waiver, express or implied, of the Board's statutory authority or
17 jurisdiction regarding any other pending or future investigation, action or proceeding.
18 Respondent also understands that acceptance of this Consent Agreement does not preclude
19 any other agency, subdivision or officer of this state from instituting other civil or criminal
20 proceedings with respect to the conduct that is the subject of this Consent Agreement.

21 5. Respondent acknowledges and agrees that, upon signing this Consent
22 Agreement and returning it to the Board's Executive Director, Respondent may not revoke
23 her acceptance of this Consent Agreement or make any modifications to it, regardless of
24 whether this Consent Agreement has been issued by the Executive Director. Any
25 modification to this original document is ineffective and void unless mutually approved by
26 the parties in writing.

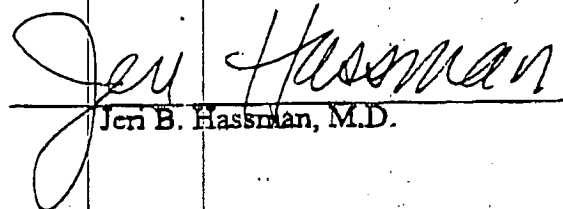
1 6. Respondent understands that the foregoing Consent Agreement shall not
2 become effective unless and until adopted by the Board and signed by its Executive
3 Director.

4 7. Respondent understands and agrees that if the Board does not adopt this
5 Consent Agreement, she will not assert as a defense that the Board's consideration of this
6 Consent Agreement constitutes bias, prejudice, prejudgment or other similar defense.

7 8. Respondent understands that this Consent Agreement is a public record that
8 may be publicly disseminated as a formal action of the Board, and shall be reported as
9 required by law to the National Practitioner Data Bank and the Healthcare Integrity and
10 Protection Data Bank.

11 9. Respondent understands that any violation of this Consent Agreement
12 constitutes unprofessional conduct pursuant to A.R.S. § 32-1401(24)(r)(violating a formal
13 order, probation, consent agreement or stipulation issued or entered into by the board or its
14 executive director under the provisions of this chapter) and may result in disciplinary action
15 pursuant to A.R.S. § 32-1451.

16
17 DATED: 3/7/04


Jen B. Hassman, M.D.

18 Reviewed and Approved as to Form:

19
20 By: 
21 Dan Cavett, Esq.

22

23

FINDINGS OF FACT

24 1. The parties stipulate that this Consent Agreement represents a compromise of
25 a disputed matter between the Arizona Board and Respondent, and agree to the entry of this
26 Consent Order for the purpose of terminating that disputed matter.

1 2. The Arizona Board is the duly constituted authority for licensing and
2 regulating the practice of allopathic medicine in the State of Arizona.

3 3. Respondent is the holder of License No. 16132 for the practice of allopathic
4 medicine in the State of Arizona.

5 4. The Board initiated case number MD-01-0608 on or about August, 2001 after
6 receiving complaints from two health care plans and a pharmacy concerning Respondent's
7 prescribing of controlled substance medications.

8 5. Board staff conducted a pharmacy survey of major pharmacies in the Tucson
9 area to review Respondent's prescribing of controlled substance medications.

10 6. Board staff also conducted a selected review of twenty-three patient charts for
11 possible quality of care and record-keeping violations by Respondent.

12 7. The Board's outside medical consultants in general criticized Respondent's
13 care and treatment of those patients to whom she prescribed a number of long- and short-
14 acting opioid medications.

15 8. Before prescribing those medications, Respondent often failed to obtain
16 adequate medical histories or perform adequate physical examinations of the patients. Much
17 of Respondent's medical histories came from information provided by the patients
18 themselves. In some cases, Respondent failed to further substantiate actual diagnoses and
19 physical findings with prior medical records. In other cases, Respondent failed to obtain
20 adequate histories of previous drug abuse or monitor for signs of current drug abuse.

21 9. As a result, Respondent may have inappropriately prescribed higher than
22 indicated doses of long- and short-acting opioid medications.

23 10. Often when prescribing those medications, Respondent failed to maintain
24 adequate records on the patients. Her written notes often did not provide sufficient
25 information to support the diagnoses, justify the treatments, accurately document the results,
26 and indicate advice and cautionary warnings provided to the patients.

11. At all times, Respondent fully cooperated with the Board's investigation. In addition, Respondent voluntarily obtained the services of an office practice management consultant to evaluate Respondent's office and record-keeping practices. Respondent revised her office and record-keeping practices based upon the consultant's evaluation.

12. On November 4, 2002, the Drug Enforcement Administration (“DEA”) notified the Board that the DEA had suspended Respondent’s Certificate of Registration.

13. Accordingly, on November 6, 2002, the Board entered an Interim Order revoking Respondent's dispensing privileges. After the Order was entered, Respondent fully cooperated with the Board in transferring the care of her pain management patients to other local pain management specialists to ensure continuity in their care and treatment.

14. On January 29, 2004, Respondent entered into a plea agreement admitting to four felony counts of accessory after the fact in violation of 18 U.S.C. § 3. The plea agreement alleges that Respondent received information that four of her patients had obtained possession of controlled substances from persons other than Respondent by misrepresentation, fraud, forgery, deception or subterfuge in violation of 21 U.S.C. § 843(a)(3), and that Respondent failed to report that information to law enforcement authorities. (A true and correct copy of the executed Plea Agreement is attached hereto as Exhibit 1 and incorporated hereby this reference.)

CONCLUSIONS OF LAW

1.	The Board possesses jurisdiction over the subject matter and over Respondent pursuant to A.R.S. § 32-1401 <i>et seq.</i>		
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2. The conduct and circumstances described above constitute unprofessional conduct pursuant to A.R.S. § 32-1401(26)(d)(committing a felony, whether or not involving moral turpitude, or a misdemeanor involving moral turpitude. In either case, conviction by any court of competent jurisdiction or a plea of no contest is conclusive evidence of the commission.)

1 3. The conduct and circumstances described above constitute unprofessional
2 conduct pursuant to A.R.S. § 32-1401(26)(e)(failing or refusing to maintain adequate
3 medical records.) An adequate medical record is a "legible medical record" that contains
4 "at a minimum, sufficient information to identify the patient, support the diagnosis, justify
5 the treatment, accurately document the results, indicate advice and cautionary warnings
6 provided to the patient, and provide sufficient information for another practitioner to assume
7 continuity of the patient's care at any point in the course of treatment." A.R.S. § 31-1401(2).

8 4. The conduct and circumstances described above constitute unprofessional
9 conduct pursuant to A.R.S. § 32-1401(26)(p)(sanctions imposed by an agency of the federal
10 government, including restricting, suspending, limiting or removing a person from the
11 practice of medicine or restricting that person's ability to obtain financial remuneration.)

12 5. The conduct and circumstances described above constitute unprofessional
13 conduct pursuant to A.R.S. § 32-1401(26)(q)(any conduct or practice that is or might be
14 harmful or dangerous to the health of the patient or the public.)

15 ORDER

16 Based upon the foregoing Findings of Fact and Conclusions of Law, and pursuant
17 to the authority granted to the Board by A.R.S. §§ 32-1401 *et seq.* and 41-1092.07(F)(5), IT
18 IS HEREBY ORDERED that:

19 1. Respondent shall be issued a Decree of Censure for: (a) failing to maintain
20 adequate medical records; (b) engaging in conduct or practices that were potentially harmful
21 or dangerous to the health of her patients; (c) committing a felony; and (d) having a sanction
22 imposed by an agency of the federal government.

23 2. Respondent shall be placed on Probation for two years from the effective date
24 of this Order to monitor her office management and record-keeping practices. The
25 following terms and conditions shall apply to that period of probation:
26

1 A. Within three (3) months of the effective date of this Order, Board staff
2 shall conduct a random chart review to determine the current status of Respondent's
3 office and record-keeping practices. Based upon the results of that chart review, the
4 Board retains jurisdiction to take additional remedial or disciplinary action, including
5 ordering another evaluation of Respondent's office and record-keeping practices by
6 an Office Practice Management Consultant or requiring Respondent to obtain
7 additional CME in medical record-keeping.

8 B. Following the initial chart review described above, Board staff or its
9 agents shall conduct periodic chart reviews to evaluate Respondent's office and
10 record-keeping practices. Based upon the results of the periodic chart reviews, the
11 Board retains jurisdiction to take additional remedial or disciplinary action.

12 3. Respondent shall also be placed on Probation for two years from the effective
13 date of when her DEA Certificate is restored to monitor her pain management practices. The
14 following terms and conditions shall apply to that period of probation:

15 A. Before applying for the reinstatement of her DEA Certificate,
16 Respondent shall obtain ten (10) hours of Board staff pre-approved Category 1 CME
17 in the principles and practices of pain management or addiction medicine.
18 Respondent shall provide Board staff with satisfactory proof of attendance. The
19 CME hours shall be in addition to the hours required for the biennial renewal of
20 medical license.

21 B. Board staff or its agents shall commence periodic chart reviews within
22 three (3) months of restoration of her DEA Certificate to evaluate Respondent's
23 prescribing practices and quality of care. Based upon the results of the periodic chart
24 reviews, the Board retains jurisdiction to take additional remedial or disciplinary
25 action.
26

1 4. The following terms and conditions shall apply to both periods of probation:

2 A. Respondent shall submit quarterly declarations under penalty of perjury
3 on forms provided by the Board, stating whether there has been compliance with all
4 the conditions of probation. The declarations must be submitted on or before the 15th
5 of March, June, September and December of each year.

6 B. Respondent shall obey all federal, state and local laws, all rules
7 governing the practice of medicine in Arizona, and remain in full compliance with
8 any court ordered criminal probation, payments and other orders.

9 C. In the event Respondent should leave Arizona to reside or practice
10 outside the State or for any reason should Respondent stop practicing medicine in
11 Arizona, Respondent shall notify the Executive Director in writing within ten (10)
12 days of departure or return or the dates of non-practice in Arizona. Non-practice is
13 defined as any period of time exceeding thirty (30) days during which Respondent
14 is not engaging in the practice of medicine. Periods of temporary or permanent
15 residence or practice outside Arizona or of non-practice within Arizona will not apply
16 to the reduction of the probationary period.

17 5. This Order supercedes and replaces the Board's previous Order dated
18 November 6, 2002 and constitutes the final disposition of case number MD-01-0608.

19 DATED this 10th day of March, 2004.

20 ARIZONA MEDICAL BOARD

21 [SEAL]



22 By: Barry A. Cassidy
23 BARRY A. CASSIDY, Ph.D., P.A.-C
24 Executive Director
25
26

1 ORIGINAL OF THE FOREGOING FILED
this 10th day of March, 2004, with:

2 Arizona Medical Board
3 9545 E. Doubletree Ranch Road
4 Scottsdale, AZ 85258

5 EXECUTED COPY OF THE FOREGOING
MAILED BY CERTIFIED MAIL
this 10th day of March, 2004, to:

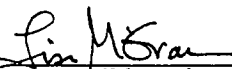
6 Jeri B. Hassman, M.D.
7 Respondent
(Address of Record on file with the Board)

8 EXECUTED COPY OF THE FOREGOING MAILED
9 this 10th day of March, 2004, to:

10 Dan Cavett, Esq.
CAVETT & FULTON, P.C.
11 6035 E. Grant Road
12 Tucson, Arizona 85712-2317
Attorneys for Respondent

13 A. Bates Butler III, Esq.
FENNEMORE CRAIG, P.C.
14 One South Church Ave., Suite 1000
15 Tucson, Arizona 85701-1627
Attorneys for Respondent

16 Stephen A. Wolf, Esq.
Assistant Attorney General
17 1275 W. Washington Street, CIV/LES
Phoenix, AZ 85007
18 Attorneys for the State of Arizona

19
20 

Planning & Operations

EXHIBIT #1

1 PAUL K. CHARLTON
United States Attorney
2 District of Arizona
BEVERLY K. ANDERSON
3 GERARD M. GUERIN
DANNY N. ROETZEL
4 Assistant U.S. Attorneys
Arizona Bar Nos. 010547 & 009704
5 Evo A. DeConcini Federal Courthouse
405 W. Congress Street, Suite 4800
6 Tucson AZ 85701-5040
Telephone: (520) 620-7300
7 Attorneys for Plaintiff

8 UNITED STATES DISTRICT COURT ACTION

9 DISTRICT OF ARIZONA

10 United States of America,

11 Plaintiff,

12 v.

13 Jeri B. Hassman,

14 Defendant.

CR 03-0675 TUC-DCB
PLEA AGREEMENT

15
16 The United States of America and the defendant agree to the following
17 disposition of this matter:

18 1. The defendant agrees to plead guilty to Counts One, Two, Three and Four
19 of the Information, which charges the defendant with felony violations of Title 18, United
20 States Code, Section 3, Accessory After the Fact to Possession of Controlled Substances
21 by Misrepresentation, Fraud, Forgery, Deception or Subterfuge, 21 U.S.C. § 843(a)(3).

22 The elements of the crimes of Accessory After the Fact and Possession of
23 Controlled Substances by Misrepresentation, Fraud, Forgery, Deception or Subterfuge are
24 as follows:

25 //

26

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JAN 29 2004	
CLERK U S DISTRICT COURT DISTRICT OF ARIZONA	
BY	DEPUTY

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FEB 05 2004

Copies Distributed

1 a) The defendant knowing that an offense against the United States had been
2 committed, to wit: Possession of Controlled Substances by Misrepresentation, Fraud,
3 Forgery, Deception or Subterfuge;

4 b) The defendant knowingly received, relieved, comforted or assisted the
5 offender; and

6 c) The defendant did so in order to hinder or prevent the offender's
7 apprehension, trial or punishment.

8 2. The defendant understands that the maximum penalties for each of the
9 offenses to which she is pleading are a fine of \$125,000.00, a term of two (2) years, or both,
10 and a period of not more than one (1) year supervised release. Defendant understands that
11 a sentence of not more than five (5) years probation could also be imposed by the Court
12 upon conviction of these crimes.

13 3. The defendant agrees to pay a fine unless the defendant establishes the
14 applicability of the exceptions contained in § 5E1.2(e) of the Sentencing Guidelines.

15 4. Pursuant to Title 18, United States Code, Section 3013, the defendant
16 shall pay a special assessment of \$100.00 for each count of conviction. The special
17 assessment is due and payable at the time the defendant enters the plea of guilty, but in no
18 event shall be paid later than the time of sentencing unless the defendant is indigent. If the
19 defendant is indigent, the special assessment will be collected according to the provisions
20 of Chapters 227 and 229 of Title 18, United States Code.

21 6. Pursuant to Rule 11(c)(1)(C), Fed. R. Crim. P., the government and the
22 defendant stipulate and agree to a sentencing range of 0 to 6 months imprisonment. The
23 defendant may withdraw from the plea agreement if she receives a sentence in excess of 6
24 months imprisonment.

25 7. Pursuant to Rule 11(c)(1)(C), Fed. R. Crim. P., the government and the
26 defendant further stipulate and agree that defendant may recommend any length of term of

1 probation to the Court. The government may recommend a five (5) year term of probation
2 to the Court. Should the defendant comply with all conditions of the plea agreement by the
3 date of her sentencing, the government will not seek a term of imprisonment for defendant.

4 8. While not a requirement of the plea agreement, defendant has voluntarily
5 withdrawn her appeal of the Drug Enforcement Administration's ("DEA") administrative
6 proceeding regarding her registration to handle Schedule II, III, IV or V Controlled
7 Substances.

8 9. Pursuant to Rule 11(c)(1)(C), Fed. R. Crim. P., the government and the
9 defendant further stipulate and agree that the following terms of any sentence of probation
10 or supervised release may be imposed by the Court: that defendant (1) may reapply for a
11 registration with the DEA to handle Schedule II, III, IV or V Controlled Substances after
12 one year; (2) an appropriate number of hours of continuing medical education in the fields
13 of pain management and addiction treatment and an appropriate number of hours of
14 community service; and (3) not to participate as a provider in the Tricare insurance
15 program.

16 10. Provided defendant complies with the terms of this agreement, the
17 government agrees, at the time of the defendant's sentencing, to dismiss the charges in the
18 Superseding Indictment and to not bring further criminal charges against defendant for any
19 conduct now known to the government related to the allegations in the Superseding
20 Indictment or the Information.

21 11. This agreement is expressly conditioned on the defendant's criminal
22 history falling within Category I of the Sentencing Guidelines. If the defendant's criminal
23 history exceeds Category I, the government reserves its right to withdraw from the plea
24 agreement.

25 12. If the Court, after reviewing this plea agreement, concludes any provision
26 is inappropriate, it may reject the plea agreement, pursuant to Rule 11(c)(5), Fed. R. Crim.

1 P., giving the defendant, in accordance with Rule 11(d)(2)(A), Fed. R. Crim. P., an
2 opportunity to withdraw defendant's guilty plea.

3 13. The defendant and the government agree that this agreement does not in
4 any manner restrict the actions of the government in any other district or bind any other
5 United States Attorney's Office or agency of the United States in any civil or administrative
6 proceeding.

7 14. The defendant hereby waives any and all motions, defenses, probable
8 cause determinations, and objections which defendant could assert to the information or to
9 the Court's entry of judgment against the defendant and imposition of sentence upon the
10 defendant consistent with this agreement. The defendant further waives: (1) any right to
11 appeal the Court's entry of judgment against defendant; (2) any right to appeal the
12 imposition of sentence upon defendant under Title 18, United States Code, Section 3742
13 (sentence appeals); and (3) any right to collaterally attack defendant's conviction and
14 sentence under Title 28, United States Code, Section 2255. If defendant files a notice of
15 appeal or habeas petition, notwithstanding this agreement, defendant agrees that this case
16 shall, upon motion of the government, be remanded to the district court to determine
17 whether defendant is in breach of this agreement and, if so, to permit the United States to
18 withdraw from the plea agreement.

19 15. If the defendant's guilty plea is rejected, withdrawn, vacated, or reversed
20 by any court in a later proceeding, the government will be free to prosecute the defendant
21 for all charges as to which it has knowledge, and any charges that have been dismissed
22 because of this plea agreement will be automatically reinstated, including the Superseding
23 Indictment in this case. In such event, the defendant waives any objections, motions, or
24 defenses based upon the Speedy Trial Act or the Sixth Amendment to the Constitution as
25 to the delay occasioned by the later proceedings.

26 //

1 16. The defendant understands and agrees to cooperate fully with the United
2 States Probation Office in providing:

3 (A) All criminal history information, i.e., all criminal convictions as
4 defined under the Sentencing Guidelines.

5 (B) All financial information, i.e., present financial assets or liabilities
6 that relate to the ability of the defendant to pay a fine or restitution.

7 (C) All history of drug abuse which would warrant a treatment
8 condition as part of sentencing.

9 (D) All history of mental illness or conditions which would warrant
10 a treatment condition as part of sentencing.

11 17. Nothing in this plea agreement shall be construed to protect the defendant
12 from civil forfeiture proceedings or prohibit the United States from proceeding with and/or
13 initiating an action for civil forfeiture. Further, this agreement does not preclude the United
14 States from instituting any civil proceedings a may be appropriate now or in the future.

15 WAIVER OF DEFENDANT'S RIGHTS AND FACTUAL BASIS

16 Waiver of Rights

17 I have read each of the provisions of the entire plea agreement with the
18 assistance of counsel and understand its provisions. I have discussed the case and my
19 constitutional and other right with my attorney. I understand that by entering my plea of
20 guilty I will be giving up my right to plead not guilty; to trial by jury; to confront, cross-
21 examine, and compel the attendance of witnesses; to present evidence in my defense; to
22 remain silent and refuse to be a witness against myself by asserting my privilege against
23 self-incrimination; all with the assistance of counsel; to be presumed innocent until proven
24 guilty beyond a reasonable doubt; and to appeal.

25 I agree to enter my guilty plea as indicated above on the terms and conditions
26 set forth in this agreement.

1 I have been advised by my attorney of the nature of the charge to which I am
2 entering my guilty plea. I have been advised by my attorney of the nature and range of the
3 possible sentence, and that I will not be able to withdraw my guilty plea if I am dissatisfied
4 with the sentence the court imposes.

5 My guilty plea is not the result of force, threats, assurance or promises other than
6 the promises contained in this agreement. I agree to the provisions of this agreement as a
7 voluntary act on my part, rather than at the direction of or because of the recommendation
8 of any other person, and I agree to be bound according to its provisions. I agree that any
9 Sentencing Guidelines range referred to herein or discussed with my attorney is not binding
10 on the Court and is merely an estimate.

11 I agree that this written plea agreement contains all the terms and conditions of
12 my plea and that promises made by anyone (including my attorney) that are not contained
13 within this written plea agreement are without force and effect and are null and void.

14 I am satisfied that my defense attorney has represented me in a competent
15 manner.

16 I am not now on or under the influence of any drug, medication, liquor, or other
17 intoxicant or depressant, which would impair my ability to fully understand the terms and
18 conditions of this plea agreement.

19 Factual basis

20 I further agree that the following facts accurately describe my conduct in
21 connection with the offenses to which I am pleading guilty and that if this matter were to
22 proceed to trial the government could prove those facts beyond a reasonable doubt:

23 //

1 1. On or about July 28, 2001, at or near Tucson, in the District of Arizona, Jeri
2 B. Hassman, knowingly received, relieved, comforted and assisted an unknown male, in
3 order to hinder or prevent his apprehension, trial or punishment, for unlawfully acquiring
4 and obtaining possession of a controlled substance, to wit: OxyContin, 20 milligrams, #60,
5 by misrepresentation, fraud, forgery, deception or subterfuge. On July 28, 2001, PH, a
6 patient of defendant, took the prescription for OxyContin, 20 milligrams, #60, for her
7 mother, MH, another patient of defendant, to Basha's Pharmacy at 3923 N. Flowing Wells,
8 Tucson, Arizona. After filling the prescription, the pharmacist observed an unidentified
9 male in an automobile take and possess the prescription and exit the parking lot. MH later
10 told the defendant the unidentified male was MH's nephew; however, the prescribed
11 OxyContin was never given to MH. Defendant, upon learning this information, did
12 knowingly (a) continue to treat MH and PH, and (b) fail to report the illegal act of MH's
13 nephew in the second car to any law enforcement authority.

8 2. On or about April 23, 2001, at or near Tucson, in the District of Arizona, Jeri
9 B. Hassman, knowingly received, relieved, comforted and assisted BL, a patient, in order
10 to hinder or prevent his apprehension, trial or punishment, for unlawfully acquiring and
11 obtaining possession of a controlled substance, to wit: OxyContin, by misrepresentation,
12 fraud, forgery, deception or subterfuge. On April 23, 2001, patient BL, during an office
13 visit with defendant, received a prescription for Dexedrine, 10 milligram tablets, #200.
14 After receipt of said prescription, patient BL informed defendant that he had accepted
15 delivery of a prescription for his recently deceased father, FL, another patient of defendant,
16 in order to possess the prescribed controlled substance, to wit: OxyContin, 40 milligrams.
17 Defendant, upon learning this information from patient BL, did knowingly (a) fail to
18 rescind the prescription for Dexedrine for BL, and (b) fail to report BL's illegal act to any
19 law enforcement authority. The parties stipulate the maximum amount BL could have
20 possessed and ingested of the prescription of FL prior to BL's office visit on April 23,
21 2001, would have been 960 milligrams.

16 3. On or about August 3, 2001, at or near Tucson, in the District of Arizona, Jeri
17 B. Hassman, knowingly received, relieved, comforted and assisted SR, a patient, in order
18 to hinder or prevent her apprehension, trial or punishment, for unlawfully acquiring and
19 obtaining possession of a controlled substance, to wit: OxyContin, by misrepresentation,
20 fraud, forgery, deception or subterfuge. On August 3, 2001, during an initial office visit
21 with defendant, patient SR informed defendant that she had taken possession of her
22 deceased husband's prescribed controlled substance, to wit: OxyContin, and ingested said
23 controlled substance. Defendant, upon learning this information from patient SR, did
24 knowingly (a) accept SR as a patient and treat SR, and (b) fail to report SR's illegal act to
25 any law enforcement authority.

21 //

1 4. On or about March 12, 2002, at or near Tucson, in the District of Arizona,
2 Jeri B. Hassman, knowingly received, relieved, comforted and assisted WO, a patient, in
3 order to hinder or prevent his apprehension, trial or punishment, for unlawfully acquiring
4 and obtaining possession of controlled substances, to wit: OxyContin and Methadone, 10
5 milligrams, #300, by misrepresentation, fraud, forgery, deception or subterfuge. On
6 February 27, 2002, a patient, GA, told defendant that WO had stolen his OxyContin, a
7 prescribed controlled substance. On March 12, 2002, a patient JO, told defendant that WO
8 had taken half her prescription for Methadone, 10 milligrams, #600, a prescribed controlled
9 substance. Defendant, upon learning this information from patients GA and JO, did
10 knowingly fail to report WO's illegal act to any law enforcement authority.

11 1/27/04
12 Date

13 Jeri B. Hassman
14 JERI B. HASSMAN
15 Defendant

16 DEFENSE ATTORNEY'S APPROVAL

17 I have discussed this case and the plea agreement with my client in detail and
18 have advised the defendant of all matters within the scope of Rule 11, Fed. R. Crim. P., the
19 constitutional and other rights of an accused, the factual basis for and the nature of the
20 offense to which the guilty plea will be entered, possible defenses, and the consequences
21 of the guilty plea, including the defendant's waiver the right to appeal. No assurances,
22 promises, or representations have been given to me or to the defendant by the government
23 or by any of its representatives which are not contained in this written agreement. I concur
24 in the entry of the plea as indicated above and on the terms and conditions set forth in this
25 agreement as in the best interests of my client. I agree to make a bona fide effort to ensure
26 that the guilty plea is entered in accordance with all the requirements of Rule 11, Fed. R.
Crim. P.

1 1/27/04
2 Date

3 A. Bates Butler III
4 A. BATES BUTLER III
5 Attorney for Defendant

GOVERNMENT'S APPROVAL

I have reviewed this matter and the plea agreement. I agree on behalf of the United States that the terms and conditions set forth are appropriate and are in the best interests of justice.

PAUL K. CHARLTON
United States Attorney
District of Arizona


DANNY N. ROETZEL
Assistant U.S. Attorney